

## Federal Railroad Administration, DOT

## § 212.1

### POSSIBLE WAIVERS FOR LIGHT RAIL OPERATIONS ON THE GENERAL RAILROAD SYSTEM BASED ON SEPARATION IN TIME FROM CONVENTIONAL OPERATIONS—Continued

Title 49 CFR part	Subject of rule	Likely treatment	Comments
220 .....	Radio communications	Waive, except to extent communications with freight trains and road-way workers are necessary.	State safety oversight.
225 .....	Accident reporting and investigation.	Comply with regard to train accidents and crossing accidents; waive as to injuries; FRA accident investigation authority not subject to waiver.	Employee injuries would be reported under FTA or OSHA rules.
228** .....	Hours of service record-keeping.	Waive (in concert with waiver of statute); waiver not likely for personnel who dispatch conventional RR or maintain signal system on shared use track.	See note below on possible waiver of statutory requirements.
239 .....	Passenger train emergency preparedness.	Waive .....	State safety oversight.
240 .....	Engineer certification ....	Waive .....	State safety oversight.

\* *Safety appliance statute.* Certain safety appliance requirements (e.g., automatic couplers) are statutory and can only be waived under the conditions set forth in 49 U.S.C. 20306, which permits exemptions if application of the requirements would "preclude the development or implementation of more efficient railroad transportation equipment or other transportation innovations." If consistent with employee safety, FRA could probably rely on this provision to address most light rail equipment that could not meet the standards.

\*\* *Hours of service statute.* Currently, 49 U.S.C. 21108 permits FRA to waive substantive provisions of the hours of service laws based upon a joint petition by the railroad and affected labor organizations, after notice and an opportunity for a hearing. This is a "pilot project" provision, so waivers are limited to two years but may be extended for additional two-year periods after notice and an opportunity for comment.

[65 FR 42546, July 10, 2000, as amended at 74 FR 25172, May 27, 2009]

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212.227 Hazardous materials inspector.

212.229 Apprentice hazardous materials inspector.

212.231 Highway-rail grade crossing inspector.

212.233 Apprentice highway-rail grade crossing inspector.

212.235 Inapplicable qualification requirements.

AUTHORITY: 49 U.S.C. 20103, 20106, 20105, and 20113 (formerly secs. 202, 205, 206, and 208, of the Federal Railroad Safety Act of 1970, as amended (45 U.S.C. 431, 434, 435, and 436)); and 49 CFR 1.49.

SOURCE: 47 FR 41051, Sept. 16, 1982, unless otherwise noted.

### Subpart A—General

#### § 212.1 Purpose and scope.

This part establishes standards and procedures for State participation in investigative and surveillance activities under the Federal railroad safety laws and regulations.